

Remarks/Arguments

Claims 1-12 are pending in the application. Claims 1-12 are rejected.

Reconsideration is requested in view of the amendments to the claims and in view of the following remarks. Claims 1, 7, and 9-12 are amended and represented as new claims 13-18. No new matter is added, and support for the amendments can be found throughout the specification and drawings, including at page 4, second full paragraph, and page 7.

Claims Rejections Under 35 U.S.C. § 103

Claims 1-3, 7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 6,133,847) in view of Humpleman et al. (US 6,546,419).

The cited references do not involve the novel use of a mark-up language recited in the claims. Typically, mark-up languages, such as XML, are used in web pages and other user interfaces to enable users to invoke an application or render another XML page through their browser. Both the user's device and the device providing the information or application have XML functionality, and there is bidirectional communication between devices. In contrast, the present invention in certain claimed aspects does not use XML or other mark-up languages to control the presentation of information to a user in this typical sense. Instead, the present invention uses XML codes to represent (1) command signals that control the state of an apparatus, e.g., on/off, louder/lower, channel selection; and (2) associated GUI elements for the control device. The controlled apparatus does not need to have XML functionality because the control codes are converted to a signal the apparatus was intended to receive and process. Advantageously, the apparatus to be controlled does not need to participate in the programming of the control device for control of the apparatus. This allows legacy apparatuses, for example, devices that cannot be connected to a home network and do not otherwise bidirectionally

communicate with the remote control device, to be controlled even though they do not communicate bidirectionally with the remote control device or the source for the control code.

In contrast, Yang expressly contemplates that the appliance¹ to be controlled, e.g., TV 510, VCR 520, microwave, 530, and stereo 540, are all bidirectionally connected over LAN 500 and directly or indirectly involved in the retrieval of a control code from a source on the network. Yang therefore does not address the problem of legacy devices that are not configured for such bidirectional communication. This is made clear throughout the Yang reference, for example:

[a]pppliance 160 ... is controlled by remote control device 100 and a bi-directional data link 150 that is established between the remote control device and the appliance to be controlled.

(Col. 3, Ins 3-6.)

[I]n order to control a particular appliance 160 with remote control device 100, a bidirectional data link is established between appliance 160 and remote control 100 to download software programming code to the remote control, transmit an interface control signal to the remote control, and to transmit function control signals from the remote control to the appliance.

(Col. 3, In 66 to Col. 4, In 5.)

[I]n the LAN application, the network transmitter/receiver 505 could be utilized to download the programming code for each appliance... and then ... downloaded by the network to the remote control device....

[I]n the LAN application, the remote control would communicate with the network to control the appliance rather than with the appliances themselves.

(Col. 7, Ins 51-70.)

If the appliance does not download the programming code to the remote control device, in operation, the appliance would transmit the interface control signal to the remote control device to identify itself and to allow the functions interface to search the memory of the remote control device and retrieve the programming code for the appliance....

(Col. 8, Ins 51-58.)

¹ The present invention uses the term "apparatus" for CE devices such as TVs and VCR's. The present invention uses the term "appliance" (106) to refer to a set-top or other device for accessing a server with control codes. To avoid confusion, it is noted that the term "appliance" in Yang best corresponds with Applicant's use of the term "apparatus". In Yang, network transmitter/receiver 505 best corresponds to Applicant's appliance 106.

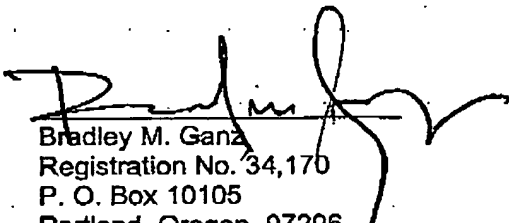
should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein. For example, to the extent the cited combination of references might disclose all claim limitations, Applicant respectfully submits that all rejections in the Office Action are traversed because the requisite teaching, suggestion, or motivation for the cited combinations has not been established, except by hindsight reconstruction of the invention.

CONCLUSION

Applicant submits that in view of the foregoing arguments and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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